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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,414	08/21/2003	Rolf Beckers	A35457-I-070256.0227	7759
21003	7590	06/08/2005	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, TAI T	
			ART UNIT	PAPER NUMBER
			2632	
DATE MAILED: 06/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/645,414

Applicant(s)

BECKERS ET AL.

Examiner

Tai T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4 and 6-13 is/are rejected.  
7) ☒ Claim(s) 5 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/05/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "central unit" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 10 recites the limitation "the installed state" in line 3. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 10, it is not clear what applicant intended by "the mechanical connection is arranged on steps designed to be complement on the communication and detection modules, and wherein the installed state of the danger sensor, the step of the detection module is covered by the step of the communication module."

### ***Double Patenting***

7. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

8. Claims 6-10 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 6-10 of copending Application No. 10/259,971. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 11-13 are provisionally rejected under the judicially created doctrine of double patenting over claims 11-13 of copending Application No. 10/259,971. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: both present invention and

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copending application has the same field of invention that is a danger sensor with a communication module, wherein the communication module has guide means that can be directed into a corresponding straight guide of a mounting plate.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-5 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rolf (DE 3910514 A1) in view of Brunius et al. (US 6,114,955).

Regarding claim 1, Rolf discloses a security system (figure 2) for monitoring danger parameters comprising at least one danger sensor (14) and a central unit (32) connected to the at least one sensor, wherein the at least one danger sensor has a communication module (23) having uniform dimensions and shape for different types, and wherein the communication module includes means (24, 25) for attaching the danger sensor to a mounting plate (10, figure 1, see entire document). Rolf discloses the instant claimed invention except for the central unit being wirelessly connected to

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the danger sensor. Brunious et al. teach a sensor system (figure 1) having a sensor (18) coupled to a wireless transmitter (14) and a central unit (22) wirelessly connected to the sensor (figure 1). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the wireless transmitter as taught by Brunius et al. in the system as disclosed by Rolf for the purpose of wirelessly transmitting a sensed signal to a remote location.

Regarding claim 2, Rolf discloses the communication module (23) being designed for connection of a detection module (14) for danger parameters, the detection module being provided for different danger parameters and which can be connected to any communication module (figure 1).

Regarding claim 3, Rolf discloses the mounting plate (10) is installed at prescription point, and the danger sensor is attached to the mounting plate by means (24) of the corresponding communication module (23, figure 2).

Regarding claim 4, Rolf discloses the instant claimed invention except for means associated with the communication module for protecting the danger sensor against unauthorized removal. Since Rolf discloses the danger sensor (14) being connected to the communication module by means (12, 25). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use protection means for the purpose of locking those two modules together in order to prevent any removal/stolen therefrom.

Regarding claim 6, Rolf discloses a danger sensor (figure 2) for a security system having a communication module (23) and a detection module (14), wherein the

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communication module has a mechanical and electrical interface (25) with the detection module, and by which the danger sensor is attached to a mounting plate (10, figure 2).

Rolf discloses the instant claimed invention except for the communication module being wireless. Brunious et al. teach a sensor system (figure 1) having a sensor (18) attached to a wireless transmitter (14, figure 1). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the wireless transmitter as taught by Brunius et al. in the system as disclosed by Rolf for the purpose of wirelessly transmitting a sensed signal to a remote location.

Regarding claim 7, as shown in figure 2, Rolf discloses the communication module has substantially the same dimensions and same shape for applicable detection module (figure 2).

Regarding claims 8-10, Rolf discloses the interface comprises a mechanical connection means and an electrical plug connection, the mechanical connection has a straight guide and a stop which are structured and arranged so that on creation of mechanical connection, the electrical plug connection is also created, and the mechanical connection is arranged on steps designed to be complement on the communication and detection module and wherein in the installed state of the danger sensor, the step of the detection module is covered by the step of the communication module (figure 2).



***Allowable Subject Matter***

13. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the double patenting rejected above.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Acevedo (US 6,420,973) disclose a danger sensor having a wireless transmitter included therein.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tai T. Nguyen', with a long horizontal flourish extending to the right.

Tai T. Nguyen  
Examiner  
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June 4, 2005